

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL RAY HUGHES,

Petitioner,

vs.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Respondents.

3:11-cv-00355-ECR-WGC

ORDER

Before the court is respondents' motion to dismiss the petition for a writ of habeas corpus (ECF #23). Petitioner states in his petition that "a few weeks" after a state court hearing held on May 4, 2006, he filed a motion to obtain transcripts, but that the state court never ruled on the motion (ECF #6 at 11). Respondents do not address this assertion in their motion to dismiss, nor is any such motion included in the record provided by respondents as an exhibit to the motion to dismiss.

Respondents are therefore ordered to file a copy of any such motion to obtain transcripts filed by petitioner in state court or an affidavit attesting that no such motion exists, as applicable. If petitioner filed such a motion, respondents shall file a contemporaneous brief with this court explaining how that affects their argument that this federal habeas petition is time-barred.

IT IS THEREFORE ORDERED that respondents have up to and including fourteen (14) days from the date of entry of this order to file a copy of any motion that petitioner filed in state court seeking transcripts from the May 4, 2006 hearing in case no.: 05C214506 or to file an affidavit

1 that attests that they have been unable to locate any such motion.

2 **IT IS FURTHER ORDERED** that petitioner has up to and including fourteen (14) days
3 from the date that respondents file either a copy of the motion discussed above or an affidavit to file his
4 response, if any.

5 **IT IS FURTHER ORDERED** that petitioner's motion for extension of time to respond
6 to the motion to dismiss (ECF #31) is **DENIED** as moot.

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8 Dated this 12th day of April, 2012.

9 
10 UNITED STATES DISTRICT JUDGE